

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

**AMERICAN TRANSPORTATION
GROUP INSURANCE RISK
RETENTION GROUP, INC.**

Plaintiff,

v.

JEAN CLAUDE BRIZARD *et al.*,

Defendants.

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PE:22-CV-00003-DC-DF

ORDER GRANTING PLAINTIFF’S MOTION FOR CLERK’S ENTRY OF DEFAULT

BEFORE THE COURT is Plaintiff American Transportation Group Insurance Risk Retention Group, Inc.’s (“Plaintiff”) Request for Clerk’s Entry of Default Against Defendants (hereafter, “Motion for Entry of Default”). (Doc. 12). This case is before the undersigned through a Standing Order pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges.

On January 20, 2022, Plaintiff filed its Original Complaint (hereafter, “Complaint”), seeking a declaratory judgment against Defendants Jean Claude Brizard (“Brizard”); Truck for God Corp. (“Truck for God”); P.N.L. Transport, LLC (“PNL”); and Alcin Benezer (“Benezer”) (collectively, “Defendants”) to resolve the “disagreements and uncertainties regarding the rights and obligations of all parties” under Plaintiff’s insurance policy, at issue in an existing personal injury lawsuit initiated by Benezer in state court. (Doc. 1 at 6–8; *see also* Doc. 1-3).

On February 2, 2022, Plaintiff personally served Brizard with process at his residence at 6031 N. 10th Ave., Unit 118, Greenacres, FL 33463. (Doc. 8). Brizard’s response to Plaintiff’s Complaint was required to be filed on or before February 23, 2022, within 21 days after service of summons in

accordance with Federal Rule of Civil Procedure 12. To date, Brizard has failed to file any responsive pleading in this matter.

On February 21, 2022, Plaintiff served PNL with process through a designated agent at 1221 McKinney Street, #4300, Houston, TX 77010. (Doc. 9). PNL's response to Plaintiff's Complaint was required to be filed on or before March 14, 2022, within 21 days after service of summons in accordance with Federal Rule of Civil Procedure 12. To date, PNL has failed to file any responsive pleading in this matter.

On February 2, 2022, Plaintiff served Truck for God with process through its registered agent at 6031 N. 10th Ave, Unit 118, Greenacres, FL 33463. (Doc. 10). Truck for God's response to Plaintiff's Complaint was required to be filed on or before February 23, 2022, within 21 days after service of summons in accordance with Federal Rule of Civil Procedure 12. To date, Truck for God has failed to file any responsive pleading in this matter.

On March 11, 2022, Plaintiff personally served Benezer with process at his residence at 755 Palmera Street, Orlando, FL 32811. (Doc. 11). Benezer's response to Plaintiff's Complaint was required to be filed on or before April 1, 2022, within 21 days after service of summons in accordance with Federal Rule of Civil Procedure 12. To date, Benezer has failed to file any responsive pleading in this matter.

Pursuant to Federal Rules of Civil Procedure 55, "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). Here, Plaintiff has shown each Defendants' default by affidavit or proof of service. Accordingly, the Court **GRANTS** Plaintiff's Motion for Entry of Default against Defendants JEAN CLAUDE BRIZARD; TRUCK FOR GOD CORP.; P.N.L. TRANSPORT, LLC; and ALCIN BENEZER. (Doc. 12).

It is therefore **ORDERED** that Plaintiff's Motion for Entry of Default against all Defendants is hereby **GRANTED**. (Doc. 12).

It is further **ORDERED** that the Clerk of the Court send a copy of this Order by certified mail, return receipt requested, to Defendants at the following addresses:

JEAN CLAUDE BRIZARD
6031 N. 10th Ave., Unit 118
Greenacres, FL 33463

P.N.L. TRANSPORT, LLC
c/o Jeffrey Fultz
1221 McKinney Street, #4300
Houston, TX 77010

TRUCK FOR GOD CORP.
c/o Jean Claude Brizard
6031 N. 10th Ave, Unit 118
Greenacres, FL 33463

ALCIN BENEZER
755 Palmera Street
Orlando, FL 32811

It is so **ORDERED**.

SIGNED this 27th day of April, 2022.



DAVID B. FANNIN
UNITED STATES MAGISTRATE JUDGE